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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,078	09/13/1999	EDUARDO TEODORO SANCHEZ	32944-00016U	5400

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EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/395,078

Applicant(s)

SANCHEZ, EDUARDO TEODORO

Examiner

Phuongchau Ba Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Specification

1. The abstract of the disclosure is objected to because the abstract should be in one paragraph only & too long, should be less than 150 words. Abstract, line 23, "seond" should be changed to ---second----. Correction is required.

See MPEP § 608.01(b).

Claim Rejections – 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

As claims 1-4, A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claim Rejections – 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1–2 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (5,042,064).

Regarding claim 1:

Chung (5,042,064) discloses a node supporting message transport and segmentation (NCP) in a communications network (200) having a plurality of nodes {col.4, lines 3–10}, comprising:

a memory (mass storage unit 229) including a database for storing a plurality of segmentation support capability test results {col.4, lines 55–59}, wherein the memory further includes a program module (a program 227) adapted to send a first segmented message, a first segmentation support test message, and a first segmentation support response message, and to receive a second segmented message, a second segmentation support test message, and a second segmentation support response message {col.4, lines 50–54; col.4, line 59–col.5, line 6}.

Regarding claim 2:

Chung further discloses wherein the node is selected from the group consisting of a service switching point (TS 215), a signal transfer point (STP 220), or a service control point (NCP 225) {Figs.1-2, Chung}.

5. Claims 5-6, 9, 11-12, 14, 16-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Velamuri (6,286,011).

Regarding claim 5:

Velamuri (6,268,011) discloses a system supporting message transport and segmentation in a communications network having a plurality of nodes, comprising:

a first node (SCP 27) having a memory including a database (LNP database) for storing a plurality of segmentation support capability test results, wherein the first node is adapted to send a segmented message and a segmentation support test message, and to receive a segmentation support response message {col.7, lines 14-21; col.8, lines 7-52}; and

a second node (STP 24) in electronic communication with the first node, wherein the second node is adapted to receive the segmented message and the segmentation support test message, and to send the segmentation support response message {col.8, lines 8-17; fig.1}.

Regarding claim 6:

Velamuri further discloses wherein the first node and second nodes are each selected from the group consisting of a service switching point, a signal transfer point, or a service control point {fig.1}.

Regarding claim 9:

Velamuri (6,268,011) discloses a method supporting message transport and segmentation in a communications network having a plurality of nodes, comprising the steps of:

 sending a first segmentation support test message from a first node (SCP) to a second node (STP), the first and second nodes selected from the plurality of nodes {col.8, lines 15-17}, the first node comprising a memory including a

database (LNP database) for storing a plurality of segmentation support capability test results {col.7, lines 21–24};

 sending a first segmentation support response message from the second node (STP) to the first node (SCP) in response to receiving the first segmentation support test message {col.7, lines 31–33, wherein message response from SCP to SSP via STP};

 generating (by SCP) a first segmentation support capability test result indicating that the second node (STP) is capable of receiving segmented messages {col.8, lines 27–30 for transmitting to network B}; and

 sending (by SCP) a segmented message from the first node to the second node {col.8, lines 29–30}.

Regarding claims 12 and 17:

 Velamuri further discloses including the steps of:

 sending a second segmentation support test message from the first node to a third node, the third node (SSP) selected from the plurality of nodes {col.7, lines 31–34};

failing to receive a second segmentation support response message sent from the third node to the first node in response to the second segmentation support test message {col.7, lines 34–37};

generating a second segmentation support capability test result indicating that the third node is not capable of receiving segmented messages {col.7, lines 31–37}; and

sending a non-segmented message from the first node to the third node {col.7, lines 31–37}.

Regarding claims 11 and 19:

Velamuri further discloses including the step of searching the database to determine whether the second node is capable of receiving segmented messages {col.8, lines 4–6}.

Regarding claim 14:

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Velamuri further discloses wherein the first node and second nodes are each selected from the group consisting of a service switching point, a signal transfer point, or a service control point {fig.1}.

Regarding claim 16:

Velamuri further discloses wherein the first segmentation support test and response messages are Transaction Capability Application Part (TCAP) messages {col.8, lines 48-51}.

Claim Rejections – 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (5,042,064) in view of Longfield (5,898,667).

Chung does not explicitly disclose the claimed invention wherein the second segmented message is a Signaling Connection Control Part (SCCP) message including a Segment Number Field coded with a value indicating the number of segmented messages remaining to be received by the node. However, in the same field of endeavor, Longfield (5,898,667) discloses in figures 4–5 managing a subsystem database within a SCP using SCCP {col.7, lines 57–59}. Therefore, it would have been obvious to an artisan to apply Longfield's teaching into Chung's system with the motivation being to manage the status of the database in SCP.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (5,042,064) in view of Velamuri (6,286,011).

Chung does not explicitly disclose the claimed invention wherein the segmentation support test and response messages are Transaction Capability Application Part (TCAP) messages. However, in the same field of endeavor,

Velamuri discloses message looping in LNP is TCAP message {col.8, lines 48–51}. Therefore, it would have been obvious to an artisan to apply Velamuri's teaching into Chung's system with the motivation being to enabled telecommunication network.

9. Claims 7–8, 10, 13, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velamuri (6,286,011) in view of Longfield (5,898,667).

Regarding claims 7 and 15:

Velamuri does not explicitly disclose the claimed invention wherein the segmented message is a Signaling Connection Control Part (SCCP) message including a Segment Number Field coded with a value indicating the number of segmented messages remaining to be received by the second node. However, in the same field of endeavor, Longfield (5,898,667) discloses in figures 4–5 managing a subsystem database within a SCP using SCCP {col.7, lines 57–59}. Therefore, it would have been obvious to an artisan to apply Longfield's teaching into Velamuri' system with the motivation being to manage the status of the database in SCP.

Regarding claim 8:

Velamuri further discloses wherein the segmentation support test and response messages are Transaction Capability Application Part (TCAP) messages {col.8, lines 48–51}.

Regarding claims 10, 13, and 18:

Velamuri does not explicitly disclose the claimed invention wherein the step of recording the first segmentation support capability test result in the database. However, in the same field of endeavor, Longfield (5,898,667) discloses interface unit 27 in STP 20 updated a list of received SSPs stored in interface unit 27 with the new SSP obtained from SCP 38 {col.8, lines 8–10}. Therefore, it would have been obvious to an artisan to apply Longfield's teaching into Velamuri's system (database) with the motivation being to keep track of all transaction occurring on the network node (i.e., STP or SCP or SSP) to fasten the transmission of data by not transmitting to an un-supported node corresponding to the database's information.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Olsen (5,008,929); Mottishaw (6,078,584); Malmstrom (5,901,359);

Bushnell (5,255,315); Weisser (5,701,301).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 703-305-0093. The examiner can normally be reached on Monday-Friday 10:00AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

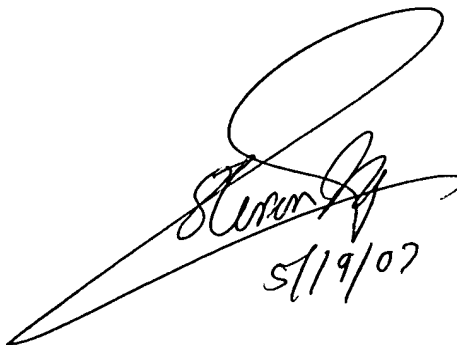
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

PN

Phuongchau Ba Nguyen
Examiner
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May 19, 2003



5/19/03